

1 MR. PRICE: Why don't you read --

2 BY MR. SHOOK:

3 Q You could read the EB 1 first because that
4 came first in time.

5 A Okay. Okay.

6 Q Are the sentences that appear as the final
7 sentence of your response to request for deletion 7
8 accurate?

9 A No. That's not accurate because it gives
10 the impression that the -- that there was an ongoing -
11 - there was an ongoing activity to determine what was
12 in the Public Inspection File right after the
13 conversation of Mr. Evans.

14 Q Then to make it accurate it should read
15 how?

16 A It should otherwise read, Mr. Ramirez
17 endeavored on an ongoing basis as a result of
18 completing the license renewal application to
19 determine what was in the KALW Public Inspection File
20 and what needed to be added to that file in order to
21 ensure that it was complete.

22 Q Thank you. In 2001, so we're now jumping

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1 three years, did you ever become aware that SFUSD or
2 its counsel had received a letter from the FCC which
3 inquired among other things about certain aspects of
4 the KALW Public Inspection File at the time of the
5 filing of the 1997 renewal application?

6 A No.

7 Q So in 2001 you never received -- did you
8 ever receive a question from anyone connected with
9 SFUSD about the condition of the Public Inspection
10 File of 1997?

11 A No.

12 Q Did you ever speak with Nicole Sawaya
13 about these December 10, 1997 signature dates with the
14 '93 and '95 supplemental ownership reports?

15 A No.

16 Q Nicole Sawaya never asked you about the --
17 what issues programs list existed at the time -- in
18 the public file at the time that the '97 renewal
19 application was filed?

20 A No.

21 Q I think we talked about this a little
22 earlier. After you had left KALW but before the

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1 Nicole Sawaya became KALW's general manager in
2 March of 2001, you had contact with her, correct?

3 A Yes. I mean to the best of my memory we
4 would have stayed in contact personally, yes.

5 Q Now according to Ms. Sawaya, and her
6 testimony is evidence in this proceeding as SFUSD
7 Exhibit T3, she testified that your paths have crossed
8 many times since your involvement with the Next
9 Generation project ended. Would that correspond with
10 your memory?

11 A Yes.

12 Q Can you give us a rough guess as to how
13 many, or an estimate as to how many times your paths
14 have crossed?

15 A We'd have the opportunity to run into each
16 other at annual industry conferences. There might be
17 two or three a year that we would both attend because
18 our respective organizations would have sent us.

19 There would have been regional meetings
20 that I would have attended through my job at CPB that
21 she would have attended. For instance, the Annual
22 California Public Radio meeting I had gone to on

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1 occasion as assigned.

2 On taking a vacation break I'd go back to
3 San Francisco quite often to relax and we would meet.
4 Those would be the kind of occasions when we would
5 cross paths.

6 Q Since she's become general manager of KALW
7 have you continued to have contact with her?

8 A Yes. We -- I'd estimate we would probably
9 talk by telephone once or twice a year to say hello
10 and catch up on personal things.

11 Q While you were still at KALW, so this
12 timeframe now is back August '96 through January of
13 '98, did you ever tell her about problems with the
14 station staff?

15 A I don't remember.

16 Q After you left KALW, did you ever tell her
17 about problems with station staff?

18 A I don't remember.

19 Q After you left KALW did you ever tell her
20 that there had been problems with the station's public
21 inspection file?

22 A I don't remember.

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1 Q Did you ever tell her about a license
2 challenge?

3 A I don't remember.

4 Q Did you ever tell her about Golden Gate
5 Public Radio?

6 A I don't remember.

7 Q Did you ever talk to her about why you
8 left KALW?

9 A I don't remember anything specific.

10 Q Well let me put this into some context.
11 We had talked about how difficult the job was for you
12 and you related that you put on a fair amount of
13 weight and that the job was difficult. I think I may
14 have characterized it and I think you agreed that the
15 job was killing you and so you decided to leave.

16 Now Nicole's a friend of yours and she's
17 about to become the general manager of KALW, didn't
18 you tell her what was going on that caused you to
19 leave?

20 A Again, I don't remember anything specific
21 that I told her about that. No, I don't remember
22 anything specific.

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1 JUDGE SIPPEL: Well maybe the question
2 could be answered in a general way though. In
3 general, did you have a conversation with her about
4 the station, how it was going? In general?

5 THE WITNESS: Yes. In general it would
6 have been in the context of us -- in a personal way
7 talking about work. It's tough to manage any public
8 radio station. Okay. Public stations don't have the
9 luxury of selling commercials to generate revenue.

10 Public radio is the kind of business, we
11 send our programming out for free and then we ask
12 listeners, people consuming our service to then send
13 us money. I mean, that's kind of a backward business
14 plan there, it makes it tough to operate any public
15 radio station.

16 JUDGE SIPPEL: She already knows that,
17 right? I mean from her experience she already knows
18 that?

19 THE WITNESS: Yes. Yes.

20 JUDGE SIPPEL: But I'm saying that as --
21 in general -- in a general way, didn't you give her
22 some insights into what your views were about the

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1 station as you were leaving it?

2 THE WITNESS: Again, I don't remember
3 anything specific. Both Nicole and I just -- both had
4 awareness that managing a public radio station in San
5 Francisco was quite a challenge.

6 JUDGE SIPPEL: All right.

7 THE WITNESS: It's a tough market.

8 JUDGE SIPPEL: Okay. You've answered
9 that. Okay. Mr. Shook?

10 BY MR. SHOOK:

11 Q Mr. Ramirez I want to refer you to
12 Enforcement Bureau Exhibit 42.

13 A Okay.

14 Q Is this a document that you've seen before
15 today?

16 A Let me go through the whole document.

17 Q Take your time. Mr. Ramirez, had you seen
18 this document before today?

19 A No, I've never seen this before.

20 Q Moving on to page 5 of the document, do
21 you recall being asked by anyone about information in
22 respect to request number 5?

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1 A Okay. What's the question?

2 Q Did anybody ever ask you to try to respond
3 to that question to try to give them an idea of what
4 documents you might have relied on?

5 MR. PRICE: Objection, Your Honor. I'm
6 going to caution the witness not to disclose any
7 conversations he may have had with present counsel.

8 JUDGE SIPPEL: Certainly not the substance
9 of the conversation, but you can get at it, I think.

10 MR. SHOOK: I can get at it another way.

11 BY MR. SHOOK:

12 Q Mr. Ramirez, take a look at Enforcement
13 Bureau Exhibit number 43. You'll see that it's
14 entitled San Francisco Unified School Districts'
15 Objections and Responses to Enforcement Bureau's First
16 Request for Production of Documents.

17 If you move to -- if you go to page 5
18 there is request number 5 and then there's an answer.
19 If you could just review those to yourself and then
20 I'll ask a question.

21 A Okay.

22 Q Now I'm not interested in the first two

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1 sentences that deal with the objections, pretty
2 confident you didn't have anything to do with that.
3 But in terms of the remainder of the response -- the
4 remainder of the answer, which begins with subject 2
5 and without waiving the foregoing objections or
6 general objections.

7 SFUSD states that upon information and
8 believe Mr. Ramirez would have considered the issues
9 programs list and ownership reports from the stations
10 Public Inspection File in connection with answering
11 item 2 at page 3 of SFUSD's application.

12 Those documents can be located on the CD
13 produced by SFUSD to the bureau and are denominated
14 KALW 0001 through 1008 (issues programs list) except
15 that Mr. Ramirez would not have relied upon any such
16 documents on the CD that relate to later time periods
17 or that were created after August 1, 1997.

18 Such as the document entitled City Visions
19 Quarterly Issues Programs List 1992 through 1997
20 CEGKALW000107, which upon information and belief was
21 generated and placed in the file after August 1, 1997.

22 Furthermore, Mr. Ramirez would have

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1 considered the 1997 ownership report that was attached
2 to the application. SFUSD further states that
3 Mr. Ramirez consulted relevant sections of a National
4 Federation of Community Broadcasters Legal Handbook in
5 completing the application.

6 The excerpt to that document is produced
7 herewith and has been labeled SFUSD0001, SFUSD00082.
8 Were you the source of any of the information that I
9 just read?

10 MR. PRICE: Objection.

11 JUDGE SIPPEL: No. I'm going to overrule
12 that objection.

13 MR. PRICE: Be he doesn't know what all
14 this -- he doesn't know what of this -- he was the
15 source.

16 JUDGE SIPPEL: You can answer the
17 question. He can answer the question. Might not be
18 the answer that he wants, but he can answer the
19 question.

20 THE WITNESS: Yes.

21 BY MR. SHOOK:

22 Q What information did you provide?

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1 A The information relating to the
2 information that the Issues Program List and the
3 ownership reports that are mentioned here and on the
4 next page with respect to the 1997 ownership report
5 and in the next sentence with respect to the National
6 Federation of Community Broadcasters Legal Handbook in
7 completing the application.

8 Q So in terms of the issues programs list,
9 am I to understand from your answer that there were a
10 series of documents that you looked at in connection
11 with the response or the answer that was given by
12 SFUSD to the bureau?

13 A I'm not sure if I understand the question.

14 Q I'm trying to figure out what documents,
15 if any, you looked at in connection with providing
16 information that appears as the answer that we're --
17 that we've just looked at on pages 5 and 6 of EB
18 Exhibit 43.

19 MR. PRICE: Can I just ask to clarify what
20 you're talking about whether he looked at them in
21 2004, whether he looked at them in 1997?

22 MR. SHOOK: Well, we find out when he

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1 looked at them, I don't know.

2 THE WITNESS: Well I think I know what
3 you're asking me. I think the list that I think this
4 relates to is what we referred to as Exhibit O, but
5 which I think was a seven page document versus the
6 five to seven page document.

7 BY MR. SHOOK:

8 Q All right. Well the reason that I'm a
9 little bit puzzled is that the SFUSD states that upon
10 information and belief Mr. Ramirez would have
11 considered the issues programs list and ownership
12 reports from the station's Public Inspection File in
13 connection with answering item 2 at page 3 of SFUSD's
14 application.

15 Those documents can be located on the CD
16 produced by SFUSD to the Bureau and are denominated
17 and then it has a set of numbers there, which suggest
18 that we're looking -- we're talking about a thousand
19 pages worth of material.

20 A Then I must just be misunderstanding your
21 question. Well what I think this is saying is that
22 what did I rely on to respond to questions number 2

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1 and 3.

2 Q Right. In responding to the Bureau's
3 document request, we're trying to find out how it was
4 that this answer came to be and if you had a role in
5 it, what role that might have been.

6 A I'm sorry. I'm confused.

7 Q Okay. It's now 2004.

8 A Okay.

9 Q You're being asked by someone to try to
10 provide information about what it was that you were
11 looking at in determining and certifying to the
12 accuracy of the yes answer given by SFUSD to the
13 section 3, question 2 that we have been talking about
14 at length, which is the public file question.

15 A Okay.

16 Q So we're -- the Bureau is trying to find
17 out at this stage what documents were you looking at
18 in order to make that certification and here's the
19 answer that we're getting. What I'm trying to find
20 out is what role, if any, you played in preparing this
21 answer.

22 A I'm sorry. I don't know how to

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1 characterize the role that I played, if I played any
2 at all.

3 Q Okay. Well maybe I misunderstood what I
4 thought you said before, but I thought you said that
5 there were -- there was information that you provided
6 in order to be able to respond to this question. I
7 just want to try to find out what information was you
8 provided?

9 A I'm sorry. I'm just not following along.

10 Q To give you some idea of where I'm coming
11 from, what I'm reading here tells me that you relied,
12 perhaps on hundreds of pages of documents in order to
13 make the certification that you did.

14 We're asking SFUSD to produce all
15 documents relied upon by you in determining and
16 certifying to the accuracy of the yes answer that you
17 gave to the renewal application question, section 3,
18 question 2.

19 A Okay.

20 Q The answer that we're getting here is that
21 there were hundreds of pages of documents that you had
22 relied on.

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1 MR. PRICE: Objection. I think that
2 mischaracterizes the answer. I think that maybe the
3 source of Mr. Ramirez' confusion. I mean, it
4 identifies that the documents he relied upon are
5 contained within the disk that contains a thousand
6 documents and then excludes all the documents that
7 would have come after a certain period of time.

8 So the resulting number of documents on
9 that disk that Mr. Ramirez may have relied on could
10 have been a few as five or it could have been as many
11 as a hundred. But I think he's being confused by the
12 characterization of -- that we've answered that he
13 reviewed hundreds of documents. So I'm not sure
14 that's what the answer here says.

15 BY MR. SHOOK:

16 Q Okay. So really it's not -- the documents
17 are not denominated 1 through 1008 that were actually
18 relied upon by Mr. Ramirez, but it's only a few
19 documents, is that it?

20 A Yes.

21 JUDGE SIPPEL: This is also an answer
22 that's based upon information of belief, Mr. Ramirez

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1 is a long time removed from the company.

2 MR. SHOOK: Right. He may only be one
3 part of this. There may be other people who
4 contributed to it and I'm just trying to determine
5 what Mr. Ramirez' contribution is to this answer.

6 JUDGE SIPPEL: Well that's a -- it's a
7 clear question then there. Do you have any -- do you
8 have knowledge or what knowledge do you have with
9 respect to how this answer would fit together and
10 since it refers to you?

11 THE WITNESS: I don't remember.

12 JUDGE SIPPEL: Now this is 2004.

13 THE WITNESS: Yes.

14 JUDGE SIPPEL: That's not really asking a
15 lot to remember 2004 what you know about what do you
16 know about how this answer was constructed? How was
17 it put together since it relates to you? It wasn't
18 that long ago.

19 THE WITNESS: I guess what I'm confused
20 about is I don't remember writing this.

21 JUDGE SIPPEL: No, I'm not asking you what
22 you wrote.

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1 THE WITNESS: Okay.

2 JUDGE SIPPEL: I don't -- I'm just asking
3 you what do you know -- this is going back in, again,
4 September 2004, we are in June of 2005, going back to
5 that period of time, what information can you give us
6 in terms of how that answer was put together? What
7 was being -- in terms of --

8 THE WITNESS: I think I know what you're
9 asking.

10 JUDGE SIPPEL: -- your participation. Did
11 somebody come to you and say we need information; we
12 need help from you on this?

13 THE WITNESS: Yes. I think I know what
14 you're asking. I think that I was sent a number of
15 documents to look at and then the documents that I
16 said were the ones that were the ones that were needed
17 were -- the issues program was -- and the ownership
18 reports.

19 JUDGE SIPPEL: Okay. All right. Do you
20 have anything more to follow on that?

21 MR. SHOOK: No.

22 JUDGE SIPPEL: All right. That's all you

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1 know?

2 THE WITNESS: Yes. That's all I think I
3 know if I understand what this says.

4 JUDGE SIPPEL: Well it seems to be pretty
5 straight forward. It wants to know what, with respect
6 to your answer; it wants to know what you consider in
7 the answer going back to specific questions --

8 THE WITNESS: The way I read this is
9 someone sent me, say for example, ten documents, asked
10 me to identify the ones that I would have used with
11 respect to completing the license renewal application.
12 I said documents two and document five.

13 JUDGE SIPPEL: Is that your recollection?

14 THE WITNESS: Yes.

15 JUDGE SIPPEL: You actually received
16 documents that were shipped to you in the mail and
17 then you identified which ones were the ones that you
18 relied upon?

19 THE WITNESS: I remember reviewing
20 documents online, I remember reviewing documents in
21 person, which was a part of a process to identify
22 documents that looked familiar to me and related to

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1 one thing or another.

2 MR. SHOOK: When you say online --

3 JUDGE SIPPEL: Were you given a CD to use
4 and then on that CD there were documents that you
5 could look at one by one by one on the CD and decide,
6 yes that was there or no that wasn't there?

7 THE WITNESS: No, I was never given a CD.

8 JUDGE SIPPEL: So you were given a stack
9 of documents?

10 THE WITNESS: I can remember looking
11 through a -- for lack of a better -- stack of
12 documents, yes.

13 JUDGE SIPPEL: Which consisted of what?

14 THE WITNESS: Which would have consisted
15 of the Issues Program List here that I identify as the
16 one in connection with answering the renewal
17 application and the ownership report that I used in
18 connection with completing the renewal application.

19 BY MR. SHOOK:

20 Q Okay. So that issues programs list was
21 what, three pages I think, we've gone over again and
22 again and again, the City Visions program program's

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1 list was three pages in length.

2 MR. PRICE: Objection. I think he
3 identified the document was seven pages, but that
4 Exhibit O was only pages 5 through 7.

5 MR. SHOOK: Three pages.

6 MR. PRICE: I think he needs -- I think he
7 can testify that he may have not looked at the entire
8 document at some point.

9 MR. SHOOK: In connection with this
10 response, we're just trying to figure out what he
11 looked at.

12 JUDGE SIPPEL: Can you tell us?

13 THE WITNESS: Yes. I think what I
14 identified was what has become known as Exhibit O and
15 the ownership report is the 1997 ownership report that
16 I attached to the renewal application.

17 BY MR. SHOOK:

18 Q That was it?

19 A Yes. That's what I believe these two
20 items are.

21 MR. PRICE: Your Honor, I think
22 Mr. Ramirez might be confused because I think he's

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1 trying to answer the question what documents he
2 reviewed specifically just to answer this question and
3 I don't think he's privy to that -- I don't think he
4 was privy to that information.

5 I think he could be -- I think he could
6 answer questions about in late 19 -- in late 2004
7 being showed on several occasions a series of
8 documents. He may be able to testify to that process
9 receiving some by email and looking at some in person
10 in advance of his deposition.

11 I think he's struggling with what review
12 lead to these specific answers of those several
13 reviews and I think he's struggling with that. I
14 don't know if that -- I don't know if there's an
15 easier way -- fair way to ask those questions.

16 JUDGE SIPPEL: Well, I don't know. It's
17 another way to muddy the waters. This is -- the
18 questions seems to be pretty straight forward and it's
19 not that far back that he couldn't remember and
20 because of the passage of time might not remember for
21 other reasons, but not through the passage of time.

22 It's a pretty significant piece of

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1 information to give the licensee to respond with. If
2 anybody had knowledge as to what he relied upon when
3 he answered yes to that question, what documents --
4 he's listing them in here.

5 I think that you narrowed it down right to
6 that two pages that was in that -- I don't want to
7 misstate it now, but it was in the City Lights or
8 whatever the heck it was that --

9 MR. SHOOK: City Visions.

10 JUDGE SIPPEL: City Visions.

11 MR. PRICE: You're doing it too.

12 JUDGE SIPPEL: Yes. I'm inclined to leave
13 the record where it is. I don't know if you're going
14 to pursue this anymore with this witness and give him
15 anything clearer.

16 MR. SHOOK: I'm afraid we are where we
17 are.

18 JUDGE SIPPEL: Okay. Do you have another
19 line of questions?

20 MR. SHOOK: Your Honor, if we could have
21 a minute?

22 JUDGE SIPPEL: Can you go off the record

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1 for a minute -- few minutes?

2 (Whereupon, the above-entitled matter went
3 off the record at 5:41 p.m. and resumed at 5:42 p.m.)

4 JUDGE SIPPEL: You're finished?

5 MR. SHOOK: We are.

6 JUDGE SIPPEL: With this witness?

7 MR. SHOOK: Yes, sir.

8 MR. PRICE: Your Honor, in the interest of
9 -- it's now ten to 6:00, I think I'm going to take
10 more than ten minutes to finish the redirect, so with
11 Your Honor's indulgence and I spoke briefly about this
12 before maybe, but we'll bring Mr. Ramirez back briefly
13 tomorrow morning and I will wrap up the redirect as
14 quickly as I can and we'll move on to Mr. Hegelson.

15 JUDGE SIPPEL: Do you think you can do it
16 in 30 minutes? I don't want to push you where you
17 don't want to go, but I mean --

18 MR. PRICE: I'm not sure what your --

19 JUDGE SIPPEL: Do you have a good idea as
20 to what kind of a timeframe it would take.

21 MR. PRICE: I think 30 minutes might be
22 kind of tight. I think in the interest of the witness

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1 having been up here for a long time today it might be
2 better suited and be more inclined to go faster when
3 we start tomorrow morning.

4 MR. SHOOK: I'm fine with that.

5 JUDGE SIPPEL: All right. Let's go off
6 the record.

7 (Whereupon, the above-entitled matter went
8 off the record at 5:43 p.m. and resumed at 5:45 p.m.)

9 JUDGE SIPPEL: We are completed today.
10 It's ten minutes of 6:00 and we will start tomorrow at
11 9:15 a.m. same place and same witness on the stand.

12 You're still under oath; you're under oath
13 until you're excused. Do you understand that?

14 THE WITNESS: Yes, sir.

15 JUDGE SIPPEL: Okay.

16 MR. SHOOK: Would you also remind him
17 about sequestration?

18 JUDGE SIPPEL: You're in sequestration
19 which means that you can certainly speak with your
20 attorney in terms of your preparation, but you cannot
21 speak with any other witnesses in this case. Do you
22 understand that?

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1 THE WITNESS: Yes, sir.

2 JUDGE SIPPEL: The best thing to do is
3 just don't talk to anybody about this case until you
4 get off the stand except your attorney. Okay?

5 THE WITNESS: Yes, sir.

6 JUDGE SIPPEL: All right. We're in recess
7 until 9:15. Thank you.

8 (Whereupon, the above-entitled matter was
9 concluded at 5:46 p.m.)
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SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Name of Hearing

MB DOCKET NO. 04-191

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

JUNE 6, 2005

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 215 through 513 inclusive, are the true, accurate and complete transcript prepared from the reporting by Eric Stadnik (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

June 20, 2005

Eric Stadnik



Date

Legible Name and Signature of Reporter

Name of Company: Neal Gross Co.

June 20, 2005

Elizabeth Carter



Date

Legible Name and Signature of Transcriber

Name of Company: Neal Gross Co.

June 20, 2005

Kevin Murphy



Date

Legible Name and Signature of Proofreader

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